

REMARKS

The Examiner's communication dated August 1, 2003 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to final action. Specifically, Applicant has amended claims 1, 3-5, 7, 9, 11-12, 14-23, 25 and 28; cancelled claims 2, 6, 10 and 20; and added new claim 29. In addition, detailed arguments in support of patentability are presented. Reexamination and/or reconsideration of the application as amended are respectfully requested.

The Office Action

The specification is objected to under 37 C.F.R. 1.71 as not clearly describing the subject matter of the invention.

Claims 1, 3, 5-7, 11, 12, 14-16, 18, 20, 22-23 and 28 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-5, 7-9, 18-20 and 22-24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hirabayashi (JP 01-249257 A).

Claims 6, 10, 17 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi in view of Official Notice.

Claims 11-17 and 25-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi in view of Takatsu (4,346,579).

Specification

The specification has been amended to overcome the 37 C.F.R. § 1.71 objection.

35 U.S.C. 112, Second Paragraph

Claims 1, 3, 5, 7, 11-12, 14-16, 18, 22-23 and 28 have been carefully amended to overcome the 35 U.S.C. 112 rejection. Claims 6 and 20 have been canceled.

The Claims Distinguish Patentability
Over the Reference(s) of Record

Claim 1, as amended, calls for a hem blade mounted to an upper body and pivotally moveable between first and second operative positions. Additionally, claim 1 calls for an anvil having a supporting surface and a sloped side that contacts and moves the hem blade from the first operative position to the second operative position. Applicant submits that Hirabayashi fails to disclose or fairly suggest the hemming apparatus of claim 1. More particularly, in previously rejecting claim 1, the Examiner referenced Figures 8A-8C of the Hirabayashi reference. However, the device shown in Figures 8A-8C is deficient in that it fails to show a hem blade that is pivotally moveable between first and second operative positions. The other devices shown in the various figures of Hirabayashi also fail to disclose or suggest the apparatus of claim 1. For example, the device of Figure 1 fails to show a pivotally moveable hemming blade that is moved by a sloped side of an anvil. Accordingly, for at least these reasons, it is submitted that claim 1, and claims 3-5 and 7-9 dependent therefrom distinguish patentably over references of record.

Dependent **claim 9**, as amended, calls for an indented radius along an intersecting edge of the hem blade that is appropriately sized to provide clearance between the hem blade and the assembly when the hem blade transitions from the first to the second operative position. The Examiner indicated that an "intended" radius is shown in Figures 4 and 5 of Hirabayashi. However, Applicant asserts that no appropriately sized radius along an intersecting edge of first and second angled surfaces of a hem blade is shown in Hirabayashi, including in Figures 4 and 5. Accordingly, it is submitted that claim 9 patentably distinguishes over the references of record not only because claim 9 depends from claim 1, but also for this additional reason.

Claim 11, as amended, calls for a hemming apparatus including an upper body and the anvil that, upon continued movement together, cause a hemming blade to pivotally move about a single pivot point on an upper body to a second operative position so that a second, full hemming surface of the hemming blade engages a

deformed flange and moves the deformed flange into close abutment with a second panel. Applicant stresses that neither the Hirabayashi, nor the Takatsu reference disclose or fairly suggest a hemming die that moves about a single pivot point on an upper body. Applicant submits that Hirabayashi illustrates, in Figures 1-6, a hemming die connected by a plurality of mechanical linkages to an upper body and a lower body. The die moves from a pre-hem position to a full-hem position through a complex motion wherein a pivot point moves with the linkages. Furthermore, Figures 7-9 are wholly inapplicable as they lack any illustration of an apparatus having a pivotally moveable hemming die. Applicant further submits that Takatsu illustrates a hemming die connected by a plurality of mechanical linkages and a sliding pivot point between an upper body and a lower body. Thus, Takatsu fails to disclose a hemming blade pivotally moveable about a single pivot point on an upper body. Accordingly, for at least these reasons, it is submitted that claim 11 and claims 12-16 dependent therefrom distinguish patentably over references of record.

Dependent **claim 15**, as amended, calls for the hemming blade to only be pivotally connected to the upper body. Applicant repeats that Hirabayashi discloses a hemming die connected by a plurality of mechanical linkages and Takatsu discloses a hemming die in a full-hemming position that is rotatably connected to a lower body or cam and also pivotally connected by linkages to an upper body. Accordingly, claim 15 patentably distinguishes over the references of record not only because claim 15 depends from claim 11, but also for this additional reason.

Claim 18, as amended, calls for pivotal movement that allows a hemming surface that is distinct from a prehemming surface to engage a deformed flange. Further, claim 18, as currently amended, calls for the anvil to include a sloped surface that engages the hemming blade and causes the hemming blade to move from the first operative position to the second operative position when the hemming blade is moved in the first direction after prehemming. Applicant submits that the Hirabayashi reference fails to disclose or fairly suggest an anvil having a sloped surface that engages the hemming blade and moves the hemming blade from the first operative position to the second operative position. For at least these reasons, it is submitted that claim 18 and

claims 19, 20, 22, 23, 24 dependent there from distinguish patentably over references of record.

Claim 25, as amended, calls for the step of providing a hemming tool with a prehemming surface and a full-hemming surface that form a concave working surface. Additionally, claim 25, as amended, calls for a full-hemming surface that is less than 180 degrees when measured on the side of the working surface. Applicant submits that Hirabayashi and Takatsu have convex prehemming and full-hemming surfaces relative to one another. In addition, Applicant submits that the angle between the surfaces on the working side of the Hirabayashi and Takatsu references is greater than 180 degrees. Moreover, the Examiner has not shown where Hirabayashi or Takatsu teaches or suggests a prehemming surface and a full-hemming surface that form a concave working surface as that of claim 25. Accordingly, for at least these reasons, it is submitted that claim 25 and claims 26-27 dependent therefrom distinguish patentably over references of record.

Claim 28, as amended, calls for a method for hemming wherein the hemming die pivotally moves about a single axis fixed on an upper body to which the hemming die is mounted. Applicant stresses that neither the Hirabayashi, nor the Takatsu reference show a method for hemming wherein the hemming die moves about a single pivot point. Applicant repeats that Hirabayashi illustrates, in Figures 1-6, a hemming die connected by a plurality of mechanical linkages that moves about a moving pivot point on the linkages. Furthermore, Applicant repeats that Figures 7-9 lack any illustration of an apparatus which might provide movement to the hemming die. Applicant further submits that Takatsu illustrates a hemming die connected by a plurality of mechanical linkages that moves about a sliding pivot point. Accordingly, for at least these reasons, it is submitted that claim 28 distinguishes patentably over references of record.

CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair

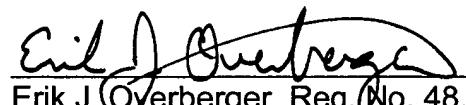
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Reply to Office Action of August 1, 2003

teaching attributable to the references of record. Alternatively, if the Examiner is of the view that the amendments do not place the application in clear condition for allowance, it is requested that he telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

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